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# NDLS Update 09/2000

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# NDLS Update

News from the Notre Dame Law School

*Vol. X, No. 1  
September, 2000*

*TEX DUTILE  
EDITOR*

## THANKS AGAIN TO KATHY ZELENOCK!

With the generous support of Kathy Zelenock, NDLS '91, and her firm, Simpson Zelenock, P.C., in Birmingham, Michigan, the NDLS Update will be mailed throughout the year to, among others, members of the five most recent graduating classes. In underwriting this mailing, Kathy intends to help recent graduates keep in contact with the Law School. Thanks, Kathy!

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### **JUDGE JOHN T. NOONAN APPOINTED CLYNES VISITING PROFESSOR OF LAW FOR FALL 2000**

Honorable John T. Noonan Jr. is the inaugural Judge James J. Clynès Jr. Visiting Professor of Law this fall. Before President Reagan appointed him to the U.S. Court of Appeals for the Ninth Circuit in 1985, Judge Noonan taught at NDLS from 1961 to 1966 as an assistant professor and professor, and has returned to our ranks from time to time as a visiting professor of law. He has also taught as a professor of law at the University of California \_ Berkeley, and has held visiting professorships at Southern Methodist University, Stanford University, the University of California at Los Angeles and Harvard University. Judge Noonan earned his A.B. at Harvard University, where he was also elected to Phi Beta Kappa. He earned his M.A. and Ph.D. at the Catholic University of America, and his LL.B. from Harvard Law School, and he also studied at Cambridge University. He has received seven honorary Doctor of Laws degrees from higher\_education institutions including the University of Notre Dame, and in 1984 received the highest honor bestowed on American lay Catholics, Notre Dame's Laetare Medal.

Judge Noonan engaged in private practice at Herrick & Smith in Boston, Massachusetts, and has held a number of government positions including special staff member of the National Security Council, chair of the Brookline Redevelopment Authority, member of the Presidential Commission on Population and the American Future, and consultant to the National Institutes of Health and the National Endowment for the Humanities.

He has focused his scholarship on issues relevant to Canon Law and Catholic social issues as well as on broader moral questions such as usury and abortion.

The Judge James J. Clynès Jr. Chair provides a unique opportunity to bring distinguished judges and practitioners to the Notre Dame Law School on a visiting basis to teach about the ethics of litigation within the judicial process. The chair is a gift of Honorable James J. Clynès Jr., a 1945 graduate of the University and 1948 graduate of the Cornell Law School, and a member of the Law School Advisory Council since 1983. Judge Clynès served in various positions in city government in Ithaca, New York, including city judge from 1969 to 1989, and is currently a member of Treman & Clynès and of counsel at Harris, Beach & Wilcox in Ithaca. Judge Clynès is also a fellow of the American College of Trust and Estate Counsel.

\* \* \*

### **TEX DUTILE NAMED CHAIR OF FACULTY BOARD ON ATHLETICS**

University President Reverend Edward A. Malloy, C.S.C., has appointed Tex Dutile to chair the University's Faculty Board on Athletics. Tex will also serve as Notre Dame's Faculty Athletic Representative to the National Collegiate Athletic Association (NCAA).

In a statement released to announce the appointment, Father Malloy commented, "Not only in the Law School, but also as the member of an array of University committees and other bodies, Tex Dutile has earned a richly deserved reputation for his intelligence, judgment, independence and integrity. I have great confidence in Tex and I know that the University will be well served with him in these two critically important positions."

A member of the NDLS Class of 1965 and a member of the faculty since 1971, Tex has extensive experience on the Faculty Board, having been a member from 1991\_98. In 1995, he was also a member of the subcommittee on academic integrity of Notre Dame's NCAA Self\_Assessment Committee, which is part of the process by which the NCAA certifies athletic programs.

Tex served a total of 25 years on the University's Academic Council, including nine years on its executive committee, and has been a member of the Provost's Advisory Committee and the search committees for the University's two most recent provosts. He also played key roles in each of the University's most recent self\_studies: the PACE committee in 1982 and the Colloquy for the Year 2000 ten years later.

Tex was associate dean at NDLS for a total of nine years, from 1988 to 1991, and again from 1993 to 1999. From 1991 to 1993, Tex served as acting dean when then\_dean David T. Link served as founding chancellor of the University of Notre Dame\_Australia.

The Faculty Board on Athletics serves as the principal advisory group to the president on educational issues related to athletics. The board has 15 members: seven elected from the University's teaching and research faculty; four appointed by the president including three from the teaching and research faculty and one from the student body; and four ex officio members including the vice president for student affairs, the director of athletics, the director of academic services for student\_athletes and a representative from the president's office.

The board's principal purpose is to foster the University's commitment to academic integrity in athletics and to ensure that the athletic program operates in consonance with the University's educational mission. It also serves as a formal liaison between the faculty and the athletic department. Among its activities, the board monitors data on the admission of student\_athletes and their academic performance, progress toward degrees and graduation rate. It also assesses the effectiveness of institutional support for student\_athletes. The board approves or declines all petitions for athletic eligibility beyond the fourth year.

The board's activities closely match the responsibilities of the NCAA faculty representative, who also is expected to advise the president, uphold academic integrity and student welfare, and serve as the liaison to the institution's faculty. The faculty representative also functions as a principal link between the institution and the NCAA in matters of eligibility, certification and compliance with NCAA regulations.

Previously, the executive vice president served ex officio as both the chair of the Faculty Board and as the NCAA faculty representative. When Father Malloy assumed direct responsibility for athletics earlier this year, the Faculty Board was restructured and provision was made that the president appoint the chair and the faculty representative from among the tenured teaching and research faculty who are also elected or appointed members of the board.

### **Congratulations, Tex!**

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### **CLASS OF 2003 PROFILE**

On August 19, the Law School community welcomed the 184 members of the Class of 2003, who hail from 32 different states and 3 foreign countries (Ireland, Thailand, and Germany) and represent 103 undergraduate schools. Women constitute 43% of the class, and diversity students make up 23% of the class. The median LSAT for the class is 162, the median undergraduate GPA is over 3.39 on a 4.0 scale, and over 77% of the class earned academic honors at their undergraduate institutions. Fifteen members of the class hold advanced degrees.

Assistant Director of Admissions Heather Moriconi reports that more than half of the class members were involved in service to others through their work and volunteer experiences. Class members participated for two years in an LDS mission to Croatia; served as District Electoral Officer for the United Nations Mission in East Timor; engaged in missionary work in Haiti; volunteered for a year with the Augusta Victoria Hospital for Palestinian refugees in Jerusalem; and worked as an office intern with the President's Council on International Women's Issues. Many members of the class of 2003 have also worked on human-rights issues. One served as a deputy probation officer for a victims' assistance program, and another as an intake worker for Legal Services of Northern Indiana. Others worked with the homeless, tutored children and adults, or served in other community-service agencies such as the Jesuit Volunteer Corps, government agencies, Boys and Girls Clubs, Special Olympics, and Habitat for Humanity.

Several university and college student-body presidents and vice presidents evidence the leadership characteristics of the class. In general, the Class of 2003 comprises leaders dedicated to ethics, helping others and influencing society through the practice of law. We are delighted to have them with us and wish them a productive and enjoyable three years.

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### GAIL PESHEL NAMED DIRECTOR OF CAREER SERVICES

Gail Peshel joined the Law School community in August as Director of Career Services, replacing Lisa (Bolanz) Patterson, NDLS '96, who took a similar position at the University of Buffalo School of Law this past summer. Gail served as assistant dean for career services at the Valparaiso University School of Law since 1982. In 1992, she was the first recipient of that school's Distinguished Service Award.

Beyond her duties at the law school, Gail served with distinction on the executive committee of the National Association for Law Placement from 1992 to 1995, including a one-year term as NALP president. She is a founding member of the Patent Law Job Fair, the Midwest Public Interest Career Fair, the Indiana Job Fair, and the MAP-in-DC Job fair. She has served as liaison to the ABA's Section on Legal Education and Admission to the Bar, Association of American Law Schools, Law School Admission Council and American Association of Law Librarians. In 1998, she began a three-year term as co-chair of the Chicago Bar Association Career Assistance Committee. She belongs to a number of professional organizations including the Minority Legal Education Resource Committee, the Opportunities for Minorities Committee of the Indiana State Bar Association, the Chicago and Indiana Law School Consortia, and the Student Services Section of the AALS.

Gail earned her bachelor's degree in business administration from Valparaiso in 1990, and graduated this past June with her J.D. degree. In the midst of all of her professional activities and her job transition, she even found time to sit for the Indiana bar exam this past July, and is anxiously awaiting the results.

**Welcome, Gail!**

\* \* \*

### NEW AND FAMILIAR FACES ON NDLS FACULTY

A.J. and Tricia Bellia joined the NDLS faculty this fall as assistant professors of law. A.J., NDLS '94, will teach contracts to first-year students. He earned his B.A. *summa cum laude* from Canisius College in 1991, where he was named the outstanding graduate in economics and political science as well as a Harry S. Truman Scholar. At NDLS, he received the prestigious Judge Roger T. Kiley Fellowship and served as editor\_in\_chief of the Notre Dame Law Review. He earned his J.D. *summa cum laude* in 1994, and received the Dean Joseph O'Meara Award for outstanding academic achievement. He is admitted to practice in the state of New York and in the District of Columbia. After graduation, he clerked for Honorable William M. Skretny of the United States District Court for the Western District of New York, for Honorable Diarmuid F. O'Scannlain of the United States Court of Appeals for the Ninth Circuit, and for Associate Justice Antonin Scalia of the United States Supreme Court in the 1997\_98 term. From 1998 to 2000, he practiced law as an associate with Miller, Cassidy, Larroca & Lewin in Washington, D.C.

Tricia Bellia is teaching courses in cyberspace and the law, and in constitutional law. She earned her A.B. *summa cum laude* from Harvard University in 1991, and was elected to membership in Phi Beta Kappa. She earned her J.D. from the Yale Law School in 1995, where she served as editor\_in\_chief of the Yale Law Journal and executive editor of the Yale Journal of International Law, as well as a student director of the Immigration Legal Services Clinic. She is admitted to practice in the state of Massachusetts and in the District of Columbia. After graduation, she clerked for Honorable José Cabranes of the United States Court of Appeals for the Second Circuit, and for Associate Justice Sandra Day O'Connor of the United States Supreme Court in the 1996\_97 term. From 1997 to 2000, she worked as an attorney\_advisor at the Office of Legal Counsel at the United States Department of Justice.

\* \* \*

Visiting faculty for the fall semester include Raymond Gallagher, Kevin Smith and Ruth Vance. Ray Gallagher returns for his third consecutive fall semester as visiting professor of law, teaching courses in Payment Systems and Sports Law. He earned his J.D. from Fordham Law School, where he served on the staff of the Fordham Law Review. He practiced law at White & Case in New York City, and has taught law at Catholic University of America, Widener University and Villanova University.

Kevin Smith, associate professor of law and interim associate dean for information resources and director of the law library at the University of Memphis Cecil C. Humphreys School of Law, has been appointed visiting associate professor of law and will teach courses in business associations and secured transactions in the fall semester, and securities regulation in the spring semester. He earned his B.A. from Drake University in 1977, and his M.A., J.D., and Ph.D. from the University of Iowa in 1981, 1983 and 1994, respectively. Prior to joining the Memphis faculty in 1994, he worked as an associate attorney at the law firm of Cook, Howard, Downes & Tracy in Towson, Maryland, and had visiting assistant professorships in the Department of Political Science at Northern Illinois University and at the

Chicago-Kent College of Law. His teaching and research interests include business organizations, secured transactions, jurisprudence, social sciences and statistics in the law.

Ruth Vance, professor of law at Valparaiso University School of Law, has been appointed visiting professor of law and will teach the first-year legal writing courses this year, while Professor Terry Phelps is on sabbatical. Professor Vance earned her B.A. from Olivet College in 1979 and her J.D. from Valparaiso in 1982. Prior to joining the Valparaiso faculty, she worked at the law firm of Hand, Muenich & Wilk in Hammond, Indiana, and as a trust administrator and attorney for Hoosier State Bank of Indiana. At Valparaiso, she teaches and has research interests in the areas of legal writing, reasoning and research, appellate advocacy, workers' compensation, employment rights, and alternative dispute resolution.

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### **NOTRE DAME LAW ASSOCIATION INITIATES SUMMER SERVICE FELLOWSHIPS**

Thanks to the leadership of NDLA board member Paul Mattingly, NDLS '75, and the generosity of alumni and other benefactors from Los Angeles to Albany, the NDLA sponsored eight NDLS students in public-interest internships across the country this past summer. Students agreed to work for 10 weeks at various legal-services and other public-interest agencies across the country in exchange for a tuition credit of \$3000 to \$4000 in a program modeled after the successful summer service projects sponsored by the University's Center for Social Concerns. For the summer of 2001, Paul hopes to double the number of opportunities available to students committed to serving the less fortunate.

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### **NDLS ALUM TO HOST NETWORK T.V. SHOW**

The National Law Journal recently reported that Andrew Napolitano, NDLS '75 and a partner at Sills Cummis Radin, presides over a half-hour daily show, "Power of Attorney," which debuted on the Fox Network on August 28. According to the article, the show promises "genuine, camera-mooching, well-paid barristers such as Christopher Darden, Geoffrey Fieger, Gloria Allred and E. Brockovich's friend Ed Masry, arguing real small-claims cases. . . ."

Commented our alum, who left the New Jersey bench in 1995 due to low pay, "This is not a Judge Judy sounding like a screaming ninny, telling the litigant that the litigant is a jack-ass! This is a serious trial with serious rulings, where people can get a serious education in 22½ minutes about how the judicial system works."

\* \* \*

### **SMITHBURN STEPS DOWN AS DIRECTOR OF SUMMER LONDON PROGRAMME**

Eric Smithburn has decided to step down as Director of the Summer London Programme in order to concentrate on his own research and writing.

Eric became Director of the program in 1984. Under his leadership, the program grew steadily in both size and distinction, averaging 100 students per summer. During his tenure, Eric successfully supervised four ABA site inspections.

Beyond the extraordinary impact of the program on the many students who attend, the Summer London Programme plays a key role in the development of our faculty, who use the program to broaden their scholarship base to include comparative and international dimensions.

Eric will continue, of course, as a member of our regular faculty and he will also return to London next summer to teach his course in Comparative Family Law. Succeeding him as Director of the Summer London Programme will be Geoffrey Bennett, who also directs our academic\_year program there. Associate Dean Jack Pratt will serve as liaison between the South Bend and London campuses.

Commented Dean O'Hara, "Eric has been invaluable in planning a smooth transition, and I am confident that the Summer London Programme will continue to be one of the most successful of any offered by an American law school."

\* \* \*

### **NDLS WELCOMES VISITING SCHOLARS**

Several visiting scholars have joined NDLS this academic year. Mr. Katushiko Hama is with the Yokohama District

Public Prosecutors' Office. He was appointed a public prosecutor in April 1995, and has been assigned to the Yokohama office since April 1999. Mr. Hama is considered to be one of Japan's promising young prosecutors, and was selected by the Japanese Ministry of Justice in Japan to study at Notre Dame based on excellent performance records and high academic distinction. Mr. Hama's research will be in criminal law and judicial ethics.

The Supreme Court of Japan designated Ms. Yuko Ito to be a visiting scholar at Notre Dame. Ms. Ito graduated from the highly prestigious University of Tokyo in 1996. After completing a two-year training course as a legal intern, she was appointed judge of the Tokyo District Court in 1998. She will conduct research on the administration of criminal justice and juvenile delinquency proceedings.

Ms. Eva-Maria Stein-berger of Leiman, Germany, has completed all of her university requirements from Heidelberg University and is eligible to sit for her first state examination in law. She plans to spend the 2000-2001 academic year in the Law School and at the Graduate School.

Mr. Junichi Suzuki is an Associate Professor of Law at Dokkyo University in Saitama-ken, Japan. He received his Master's Degree in Law, specializing in international law, in 1993. His major research interests include the position of the individual in international law and the legal status of non-governmental organizations.

Ms. Laurie Anne Whitt is an Associate Professor of Philosophy in the Humanities Department at Michigan Technological University. She will be engaged in research in the human-rights area using resource materials from the Center for Civil and Human Rights.

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### **NDLS GRAD NAMED TO INDIANA BENCH**

Indiana Governor Frank O'Bannon has appointed South Bend attorney Michael Scopelitis, NDLS '71, to the St. Joseph County Superior Court for a term ending on December 31, 2002. The veteran trial lawyer and co-chair of the family law section of the St. Joseph County Bar Association will complete the term of Judge George N. Beamer, who will retire Sept. 30.

\* \* \*

### **PAT McCARTAN NAMED ONE OF "BUCKEYE'S BEST"**

Patrick F. McCartan, NDLS '59 and managing partner at Jones, Day, Reavis & Pogue, has been named by The National Law Journal as one of Ohio's top-ten litigators. Mr. McCartan, who chairs Notre Dame's Board of Trustees, "has long been considered one of the nation's top corporate trial lawyers," as the paper pointed out. After setting out the many major pieces of litigation he successfully handled, the article notes that his litigation practice "now concentrates on major appellate matters for several Fortune 500 companies."

**Congratulations, Pat!**

\* \* \*

### **TWO NDLS GRADUATES AMONG MINNESOTA'S BEST**

Kevin J. Short, NDLS '78, and William A. Smoley, NDLS '71, are two NDLS alumni included in an article on "Super Lawyers 2000," in the August 1, 2000, edition of Minneapolis-St. Paul Magazine. Mr. Short, who practices in his own firm in Minneapolis, concentrates on criminal law and trial advocacy. Mr. Smoley, who is a shareholder of the Rinke-Nonan law firm in St. Cloud, practices in the areas of personal injury, employment law and condemnation. Congratulations!

\* \* \*

### **NDLS ALUM SPEAKS ON AIRLINE CRASH**

George Tompkins, NDLS '56, spoke in the NDLS Courtroom on September 15 about his role as a lawyer for Avianca Airlines in a tort case involving a crash at JFK International Airport in January 1990. An attorney with Schnader, Harrison, Segal, & Lewis in New York City, Mr. Tompkins has had a distinguished career as a defense attorney

specializing in aviation cases.

\* \* \*

### **NDLS FACULTY FEATURED IN DEATH-PENALTY VIDEO**

This summer, Professors Charlie Rice and Juan Méndez were featured in a video produced by the Indiana Catholic Conference regarding the Catholic Church's position on the death penalty. Narrated by Auxiliary Bishop Daniel Jenky, C.S.C., the video was shown in every Catholic parish in the state during each mass one weekend in July. NDLS Dean Patty O'Hara is the lay representative to the ICC from the Diocese of Fort Wayne-South Bend, having been appointed by Bishop John D'Arcy last year.

\* \* \*

### **NDLS HOSTS COLLOQUIUM ON LEGAL WRITING**

In late June, the Law School, in cooperation with The Center for Continuing Education in McKenna Hall, presented a program entitled, "Colloquium on Legal Discourse," designed to provide an intensive, exciting week of total immersion in the substantive nature of legal writing.

Several prominent scholars spoke at the conference, including Professor James Boyd White of the University of Michigan and Martha Nussbaum of the University of Chicago. Participants read selected articles, heard lectures and attended workshops. Evenings provided informal group discussions. Terry Phelps organized the conference.

\* \* \*

### **NEWS FROM THE CENTER FOR CIVIL AND HUMAN RIGHTS**

On August 21, the Center hosted a reception welcoming the participants in the J.S.D. and LL.M. programs in International Human Rights Law. The event took place at the Morris Inn.

\* \* \*

The Center has received a two-year, \$80,000 grant from the Open Society Institute to fund a clerkship program at the International Criminal Tribunal for Rwanda (ICTR) in Arusha, Tanzania. The clerkship will provide the Center's graduates with an opportunity to gain practical experience, while providing valuable assistance to the Rwandan Tribunal. The program will be patterned after the successful program operated by the Center at the International Criminal Tribunal for the Former Yugoslavia (ICTY) in The Hague.

\* \* \*

On September 8, the Center hosted a talk at the Hesburgh Center for International Studies by Jean-Robert Cadet, author of *Restavec: From Haitian Slave Child to Middle-Class American*. The existence of 250,000 Haitian children currently working for host families who routinely beat and mistreat them illustrates that slavery still exists in the Western Hemisphere. In his book, Mr. Cadet writes that he lost his childhood as a *restavec*, and pleads for recognition of every child's right to life, including the rights "to belong, to grow, to smile, to love, to feel, to learn, and to be a child."

\* \* \*

### **NEWS FROM THE LAW LIBRARY**

Carmela Kinslow coordinated and moderated a pro-gram entitled, "Leadership in Diversity: The Last Socially Acceptable Prejudice," at the annual meeting of the American Association of Law Libraries in Philadelphia on July 17.

\* \* \*

Jenny Smith has joined the Access Services staff in the law library as the evening and weekend Library Specialist. Jenny received her Bachelor's degree in History and Special Education from Weber State University in Utah. Before coming to Notre Dame, Jenny worked as a Special Education Teacher in the Weber County School District and also completed post\_graduate course work in Special Education. Jenny's husband Jim is a first-year law student. They have a beautiful little girl, Ashley, who has already won the hearts of the AS staff.

\* \* \*



## NEWS FROM THE FACULTY

Last month, Foundation Press published the 2000 Supplement to the second edition of the Accounting for Lawyers casebook that Matt Barrett wrote with Professor David R. Herwitz of Harvard Law School. The 152-page supplement includes 105 pages of text discussing developments occurring between December 31, 1996, and April 30, 2000.

\* \* \*

Two NDLS faculty children were featured among the South Bend Tribune's Blue Ribbon Seniors: David Bauer, son of Joe and Marzy; and Jennifer Bradley, daughter of Gerry and Pam. David served as editor\_in\_chief of the Adams High School student paper, which took first place among newspapers for Michiana schools with more than 1,000 students. David is headed to the University of Pennsylvania, where he will major in political science.

Jennifer earned awards in Latin, theology, music, science, and mathematics while a student at Trinity School. She will join the Honors Program at Notre Dame.

\* \* \*

Joe Bauer served as a panelist at a conference on "An Agenda for Anti-Trust in the 21<sup>st</sup> Century," sponsored by the American Antitrust Institute in Washington, D.C., on June 15.

He has been appointed a member of the advisory board of the American Anti-Trust Institute.

\* \* \*

Marzy Bauer was recently elected President of the Board of Trustees of Temple Beth-El of South Bend.

\* \* \*

Bob Blakey participated in a panel discussion at a meeting of the Antitrust, RICO and Labor Law Committee of the ABA's Section on Labor and Employment Law. The group met on July 10 at the Grand Hyatt Hotel in New York City during the ABA's Annual Convention.

\* \* \*

Christine Blakey, daughter of Bob and Elaine Blakey, married Jonathon Coury, NDLS '99, on June 3 at the Basilica of the Sacred Heart. Both the bride and groom did their undergraduate work at Notre Dame. J.C. clerks for Judge Roslyn Silver in Phoenix.

\* \* \*

Gerry Bradley published *Same-Sex Marriage: Our Final Answer?* in the Notre Dame Journal of Law, Ethics & Public Policy.

On July 20, he testified before the Constitution Subcommittee of the House Judiciary Committee regarding the Born-Alive Infants Protection Act of 2000.

\* \* \*

Barbara Fick presented "The Role of Law in Achieving Equality: The American Experience" at Universitat Pompeu Fabra, in Barcelona, Spain, on May 11; "Core Labor Standards and International Financial Institutions" at the Conference to Build Cooperation among South/Central European Trade Unions, in Budapest, Hungary, on June 10; and "Trade Unions, the World Bank and the International Monetary Fund in Romania," "The Structure and Funding Operations of the International Monetary Fund," "The Structure and Funding Operations of the World Bank" and "Trade Union Strategies for Influencing the Policies of the IMF and the World Bank" for Romanian trade union leaders and government ministers in Neptun, Romania, on July 24-25.

\* \* \*

Nicole and Rick Garnett co-authored *School Choice, the First Amendment, and Social Justice*, in the Texas Review of Law & Politics.

Rick published: *Dangerous Days?: Elian Gonzalez, Parents' Rights, and the Fourth Amendment*, and *Grand Parents vs. Parents . . . Or Judges vs. The Law?* in the National Catholic Register; an op-ed piece entitled, *A Victory for the*

*Family*, in the Wall Street Journal on June 6; *Education Reform at the Crossroads: Politics, The Constitution, and The Battle Over School Choice* in the George Mason University Civil Rights Law Journal; and *Francis Bacon Takes on the Ghouls: The "First Principles" of Religious Freedom* in The Green Bag. He also e-published *Establishment Clause House Cleaning*, as a "Guest Comment" on National Review on Line.

He also co-authored a Petition for Writ of Certiorari in the case of *K.D.M. v. Reedsport School District*. The questions presented for review involve whether the free exercise clause and the equal protection clause allow the state of Oregon to deny on-site special-education benefits to disabled children solely on the basis of religious nature of the schools they attend.

Rick received high praise on the criminal\_law e\_mail list CRIMPROF for predicting the winning side, the margin of victory (Rick said 6\_3 or 7\_2; it was 7\_2) and the writer for the Court (Chief Justice Rehnquist) in *Dickerson*, the Supreme Court's recent *Miranda* re\_visit.

\* \* \*

James D. Hall, adjunct professor at NDLS, has become of counsel to Botkin & Leone, South Bend.

\* \* \*

Dave Link and his work at the University of St. Thomas School of Law were featured in an August 6 New York Times article entitled, *Private Sector; The Law's Spirit Over Its Letter*.

\* \* \*

On July 24, in Fort Wayne, Indiana, Hon. Kenneth F. Ripple addressed the Bankruptcy and Creditors' Rights Section of the Allen County (Indiana) Bar Association on "Appealing the Bankruptcy or Commercial Case to the Court of Appeals."

\* \* \*

Former NDLS faculty members Pat and Lisa Schiltz welcomed Katherine Rose Schiltz on July 24 after almost 20 hours of labor. Katie weighed in at 8 lbs, 10 ozs., and was 22 inches long. In the words of her proud father, she's "in perfect health and beautiful." She joins sister Anna and brothers Joseph and Petey.

\* \* \*

Tom Shaffer published *Towering Figures, Enigmas, and Responsive Communities in American Legal Ethics* in the Maine Law Review. The article grew out of his Frank M. Coffin Lecture on Law and Public Service.

\* \* \*

Jay Tidmarsh published *Looking Forward* in the Sedona Conference Journal; and, with co\_author Roger H. Trangsrud, published a Supplement to Complex Litigation and the Adversary System (Foundation Press).

Jay presented "Evolving Duty Issues," at the U.S. Department of Justice's Attorney General Advocacy Institute in Columbia, South Carolina, on July 26.

\* \* \*

Jan Pilarski, Jay Tidmarsh's wife, published a poem entitled, "Christ of the Coconut Villa," in the National Catholic Reporter.

\* \* \*

Good news from Jay and Jan: Jan returned from China recently with Clare Meichaun Pilarski Tidmarsh. Jay reports that Clare is nine months old, in the pink of health, happy, playful and adjusting to life with three big brothers.

**Congratulations all!**

\* \* \*

This past summer, Jim Seckinger taught trial advocacy courses in El Salvador, New Zealand and Canada. In El Salvador, he designed and conducted an advocacy-training program on the common-law adversarial system, and conducted a teacher-training program to strengthen local law schools and enhance future training efforts. Nadia Jennifer

Soundy, a graduate of our LL.M. program, made significant contributions to the planning, development and implementation of both programs.

In New Zealand, Jim worked with the Law Society to enhance its Litigation Skills Program for practicing lawyers. In Canada, he conducted a trial-advocacy skills program in English and in French for a national law firm, McCarthy Tetrault.

\* \* \*

### **NEWS FROM THE ADMINISTRATION & STAFF**

Faculty secretary Nancy Beaudoin married Roy Catanzarite on September 3 at Holy Trinity Methodist Church in Bristol, Indiana. A reception followed the ceremony in the church hall.

\* \* \*

On September 1, Vicky Moore, who runs the Irish Cafe in the Law School, underwent surgery in connection with a recent diagnosis of colon cancer. Please keep Vicky in your thoughts and prayers.

\* \* \*

Tina Jankowski, the supervisor of law school office services, is the proud mother of a state champion. Erin Jankowski played on the girls' 9 & 10 year-old softball all-stars team representing St. Joseph County. Her team, coached by dad Jeff Jankowski, NDLS '87, won the state tournament at the end of July.

#### **Congratulations, Erin!**

\* \* \*

On June 26, Denise Sullivan joined the NDLS staff as senior administrative assistant to Dean O'Hara. For the past 14 years, Denise worked as the manager of secretarial services for the Mayor's Office in South Bend, serving under Roger Parent, Joe Kernan and Steve Luecke. A native of South Bend, Denise attended Holy Cross College, received an associates degree from Madison Business College, and paralegal certification from IUSB. She completed her bachelor's degree in general studies at IUSB this past May. Denise is the mother of a ten\_year\_old daughter.

\* \* \*

On June 2, Rebecca Ward's son, Anthony Bradberry, suffered a gunshot wound to his abdomen during a robbery attempt that occurred as he was moving out of his Minneapolis home. Rebecca reports that, after a long recovery period during which he was well tended by his mother, Anthony is recovering quite nicely.

\* \* \*

Joy White joined the NDLS staff this summer as administrative assistant to Dean O'Hara. Joy graduated from Saint Mary's College, Notre Dame, in 1997, and will attend Widener University School of Law beginning in the fall of 2000. She previously worked as a legal assistant for the South Bend law firm of Nickle & Piasecki, and as an executive assistant to the vice president in the legal department of Holy Cross Health Systems.

\* \* \*

### **NEWS FROM THE ALUMNI**

Jimmy Allen, NDLS '97, and his wife Amy have adopted a son, Thomas Minh Allen, who was born in Tra Vinh Province, Vietnam, in March of 1999. In November of 1999, Jimmy spent two weeks in Ho Chi Minh City (formerly Saigon) to complete the adoption process.

Jimmy and Amy also celebrated the birth of Joseph Douglas Allen in January of 2000. Joseph was named after two of Jimmy's classmates who passed away during law school, Joe Ciraolo and Doug Streitz.

Jimmy has recently joined Larson & Larson, a products\_liability and professional\_defense firm in Kansas City, Missouri. The firm also does a good share of plaintiff's employment work.

\* \* \*

Paul W. Armstrong, NDLS '73, has been nominated for the New Jersey Supreme Court.

\* \* \*

Prayers are requested for Melvin Avanzado, NDLS '88, who has been diagnosed with lymphoma. Many will remember Mel's musical talents, his friendly demeanor, his strong work-ethic and his great sense of humor. Mel did his undergraduate work at UCLA and currently is an attorney at White, O'Connor, Curry, Gatti & Avanzado, L.L.P., in Los Angeles, California.

\* \* \*

On June 23, the Indiana Supreme Court was the site for the robing ceremony of the Honorable Michael P. Barnes, NDLS '73. A reception for Judge Barnes, recently appointed to the Court of Appeals of Indiana, took place in the State House Atrium.

\* \* \*

Ruth Beyer, NDLS '80 and a partner at Stoel Rives, in Portland, Oregon, has been elected President of the Multnomah Bar Association. Ms. Beyer practices in the firm's Corporate, Securities and Finance Practice Group. She focuses on mergers and acquisitions, as well as corporate-counsel matters. The association, founded in 1906, is a voluntary professional association of almost 4,000 Portland-area lawyers and judges.

\* \* \*

John W. Blakeley, NDLS 1997 and 1998 (LL.M.), has opened a law office in South Bend. He limits his practice to immigration and naturalization law. John did his undergraduate work at the United States Naval Academy.

\* \* \*

Mickey Boulac, NDLS '83, served on the faculty of a continuing legal education program on "Estate Planning with Qualified Plans," sponsored by the Indiana Continuing Legal Education Forum in Indianapolis on September 6. She spoke on "Basic Income and Estate Taxation of Retirement Plans."

\* \* \*

Joseph A. Cari, Jr., NDLS '78 and managing partner at Ungaretti & Harris in Chicago, has been appointed to the board of directors of Success Bancshares.

\* \* \*

KPMG has announced that JoAnn Chavez, NDLS '90 and a member of the Law School Advisory Council, has been admitted to the partnership as a principal as of July 1, 2000.

\* \* \*

Joseph Collins, NDLS '92, has become a partner at the Los Angeles office of Hancock, Rothert & Bunshoft.

\* \* \*

Michael L. Costello, NDLS '73 and a partner at Tobin & Dempf, in Albany, New York, will chair the Committee on Character and Fitness for the Third Judicial District in New York. Mr. Costello did his undergraduate work at Siena College.

\* \* \*

Raymond F. Dalton, Jr., NDLS '79, has opened a second office in St. Charles, Illinois. The office supplements his office in Elgin, site of his practice for over two decades.

\* \* \*

Jeannine M. Davis, NDLS '81 and Senior Vice President, General Counsel and Secretary of CTS Corporation, has been appointed to the CTS board of directors. Ms. Davis did her undergraduate work at UCLA. She and her husband Cole reside in Elkhart, Indiana.

\* \* \*

Judge John W. Dell, NDLS '62, who has served on Florida's 4<sup>th</sup> District Court of Appeal since 1981, will appear on the ballot again on November 7. District-court judges in Florida are appointed by the governor but then face a public vote of confidence for staggered, six-year terms. Judge Dell did his undergraduate work at Loras College in Dubuque, Iowa.

\* \* \*

John Dunn, NDLS '93, and his wife Nadine announce the birth of John Patrick on June 28. He weighed 7 lbs., 5 ozs. at birth. John Patrick joins siblings Katherine, Mark and Thomas at home with their parents in Modesto, California.

\* \* \*

Patrick Emmerling, NDLS '93, has been made a partner at Cohen Swados in Buffalo, New York. He focuses his practice on estates and trusts, and elder law.

\* \* \*

James D. Friedman, NDLS '72 and a partner at Quarles & Brady in Milwaukee, has been appointed to Wisconsin's newly created Task Force on Financial Competitiveness 2005. John F. Kundert, secretary of the state's Department of Financial Institutions, made the appointment. The Task Force will analyze the needs of Wisconsin's financial institutions and make recommendations on policy initiatives to enhance the state's regulatory and economic environment. Mr. Friedman, who did his undergraduate work at Marquette, coordinates his law firm's Financial Institutions Law Practice Group.

\* \* \*

John W. Hannon, NDLS '41, passed away in July in Indianapolis. In the U.S. Army in World War II, he served as a cryptographer and in the judge advocate department in London. More recently, he had been a volunteer for Indiana University Hospital. Memorial contributions may be made to the Fathers of St. Edmund, 1428 Broad Street, Selma, Alabama 36701.

\* \* \*

John T. Harty, NDLS '67 and president of Harty & Harty in Boise, Idaho, is not ill with cancer. We regret the erroneous report to that effect in our last issue. The item we relied on referred to another "John Harty," this one an alum of the undergraduate school. We of course regret any inconvenience.

\* \* \*

Leslie D. Heller, NDLS '98, has joined the Labor & Employment Group at Cohen & Grisby in Pittsburgh. Her practice will target litigation, arbitration and administrative proceedings. Ms. Heller did her undergraduate work at Allegheny College.

\* \* \*

Joseph T. Helling, NDLS '54 and former adjunct professor at NDLS, died June 24, in South Bend at the age of 76. Mr. Helling was a former partner at May, Oberfell & Lorber, in South Bend. He worked with the Boy Scouts of America, with the Literacy Council, and with the St. Joseph's Regional Medical Center. He served as Lector and Eucharistic Minister at St. Pius X Catholic Church in Granger, and was an active member of the Knights of Columbus. He did his undergraduate work at Duquesne University, where he was Phi Beta Kappa. At the Law School, he was editor of the law review. A captain in the U.S. Army, he served in both World War II and the Korean War. He was an avid fisherman, hunter, bowler and golfer.

Services for Mr. Helling took place on June 27, at St. Pius. He is survived by his wife, Helene Evans, two daughters, one of whom is Nancy Gargula, NDLS '81; a son; two step-sons; five grandchildren; and four step-children. Both a son and a step-son preceded him in death. Memorial contributions may be made to Hospice of St. Joseph County, 111 Sunnybrook Court, South Bend, IN 46637, or to the Indianapolis Bar Foundation, 107 N. Pennsylvania #200, Indianapolis, IN 46204, Attn: Julie Armstrong, Exec. Director.

\* \* \*

Christine Kexel, NDLS '97 and currently an associate at Mayer, Brown & Platt in Chicago, has accepted a clerkship for 2001-02 with Honorable Jane R. Roth of United States Court of Appeals for the Third Circuit, in Wilmington, Delaware.

\* \* \*

Glenn E. Killoren, NDLS '83, is now a partner in the Elkhart office of Baker & Daniels.

\* \* \*

On May 20, Benjamin W. Larson, NDLS '00 and an associate at Bryan Cave in Phoenix, married Jill Kathleen Fuller. The bride, a graduate of IUSB School of Nursing, works at Phoenix Heart Institute.

\* \* \*

Andrew Leyden, NDLS '97 and CEO of Penguin Radio, announced recently that his company had received an equity investment from Internet Partnership Group. Penguin is constructing a device to receive digital radio broadcasts over the Internet in order to pipe the signal to home stereo systems. An Internet car radio that can receive signals from the Ellipso Satellite Internet service and a portal site called PhoneRadio.com that will provide links to Internet radio for people with portable gadgets like PDAs are also in the works at Penguin.

\* \* \*

Thomas F. "Chip" Lewis III, NDLS '87 and a partner at Jones Obenchain, has been reappointed to a three-year term on the board of directors for Leadership South Bend/Mishawaka.

\* \* \*

An educational trust has been established for Jesse and Luke Lee, children of Don Lee, NDLS '85, who died of a brain tumor on May 15. For further information on the trust, please e\_mail Tom Nessinger, NDLS '85, at tness@starpower.net.

\* \* \*

Tim Maher, NDLS '90, has joined the litigation department of Barnes & Thornburg as an associate in the firm's South Bend office. Mr. Maher did his undergraduate work at Cornell College.

\* \* \*

Hon. William Patrick Mahoney Jr., NDLS '40, died April 27 at the age of 83 after a long bout with Alzheimer's disease. Born in Prescott, Arizona, and raised in Kingman and Winslow, he won a full scholarship to Notre Dame where he participated on the track team, setting a world's record for the 220-yard hurdles as a 19-year-old. After earning his undergraduate degree in 1939, he remained at Notre Dame to earn his law degree. He stayed in South Bend until 1942, working as a track coach and English teacher until he entered the U.S. Navy.

In his practice of law, he fought to desegregate Phoenix schools. He also served as an ambassador in John F. Kennedy's administration and worked tirelessly to improve conditions for the Navajo Nation.

\* \* \*

Robert H. Michaud, NDLS '51, married Mary L. Barrett on July 27 in the Basilica of the Sacred Heart. Bob has been a member of the Law School Advisory Council since 1978 and has been a strong supporter of NDLS for many years. After the wedding ceremony, Bob and Mary entertained their guests with a reception at the University Club.

\* \* \*

Mary Jo Naples Miller, NDLS '95, was notified in June that her paper, "*Til Death Do We Part: The Moral Rights of Visual Artists in Their Work After Carter v. Hemsley-Spear*," won \$1000 for the National Fourth Prize in the 1995 Nathan B. Burkan Memorial Competition. A certificate commemorating her "splendid achievement" accompanied the prize. Her paper was selected from 83 papers certified by deans at 56 participating law schools.

\* \* \*

Luka Misetic, NDLS '96, was featured in an article entitled, *Defending War Crimes Suspects is Bound to be Unpopular*, in the August 14, 2000, edition of The American Prospect. The article focused on his efforts as defense counsel appointed to represent a Bosnian Croat accused of war crimes and facing trial before the International Criminal Tribunal for the Former Yugoslavia.

\* \* \*

Judson B. Montgomery, NDLS '93, has become a partner at Givens Pursley, in Boise, Idaho, practicing primarily in the areas of real-estate, health-care, estate-planning, and business law.

\* \* \*

Mark Muedeking, NDLS '80 and a partner at Piper Marbury Rudnick & Wolfe in Baltimore and D.C., has become general counsel of the United States Olympics Committee in Colorado. Mr. Muedeking began his career as a trial attorney in the tax division of the Department of Justice. He earned his B.A. at St. John's University.

\* \* \*

Hon. William J. Obermiller, NDLS '45, passed away in August in the Chicago area. In his early career, he worked as an attorney for the Amoco oil refinery in Whiting, Illinois. He was elected to the city bench in 1958 and handled juvenile cases, public intoxication, petty theft and domestic crimes. He was re-elected nine times and once turned down an invitation to run for mayor.

\* \* \*

Sarah D. Pavlik, NDLS '92, has become counsel to Delano Law Offices, in Springfield, Illinois.

\* \* \*

Brendan Rielly, NDLS '96, and his wife Erica announce the birth of Maura Eileen Rielly on August 17, 2000. Maura weighed 8 lbs., 3 ozs., and was 19 inches long at birth. She joins siblings Morgan and Shannon at home with her parents in Maine.

\* \* \*

Stephen A. Seall, NDLS '66, and managing partner of the South Bend office of Barnes & Thornburg, served on the faculty of a continuing legal education program sponsored by the Indiana Continuing Legal Education Forum in Indianapolis in June. He moderated a program on "Current Issues in Criminal Tax Investigations and Prosecutions."

\* \* \*

Christopher J. Spataro, NDLS '96, is an associate in the Elkhart office of Baker & Daniels.

\* \* \*

Edward T. Yevoli, NDLS '93, has joined the corporate real estate and tax group at Berger Davis & Singerman in Fort Lauderdale, Florida. His practice focuses on estate planning, tax-exempt organizations, corporate taxation, limited-liability companies and partnerships. He practiced previously in Kansas City, Missouri, and earned an LL.M. in taxation at the University of Missouri at Kansas City. He did his undergraduate work at Notre Dame.

### MISCELLANY

Elizabeth A. Groves, who served NDLS as a secretary and was the mother of Jim Groves, NDLS '72, passed away on August 2 in Grand Junction, Colorado. A memorial service was held on August 12 in the Log Chapel on the Notre Dame campus. The family has requested that memorial contributions be made to the Law School.

\* \* \*

Phil Havers, who was graduated from NDLS in May, and Mark Pasko, a rising third-year student at NDLS, won the first and second prizes, respectively, in Notre Dame's 2000 Nathan Burkan Memorial Competition. Prize money accompanied the awards. Professor Joe Bauer has served as a judge in the local contest for about 15 years.

\* \* \*

Pam Hoekwater and her husband Adam announce the birth of Lydia Maru on July 20. Lydia weighed 8 lbs., 10 ozs. Pam is a third-year student and works as a student assistant in the NDLS Career Services Office. Adam works at the National Institute for Trial Advocacy.

\* \* \*

On September 14-15, the 26<sup>th</sup> Annual Notre Dame Tax and Estate Planning Institute took place at Century Center in South Bend. Professor Regis Campfield, formerly of NDLS and currently of Southern Methodist University, and Frank S. Berall chaired the enormously popular institute, attended this year by more than 950 people. Santo Bisignano, Jr., NDLS

'78 and a partner at Bisignano & Harrison in Dallas, was a member of the faculty for the institute.

\* \* \*

### TO SUBMIT INFORMATION

Now that Tex Dutile has assumed new responsibilities for the success of the University's athletic programs, responsibility for the *NDLS Update* has been moved to the Law School Relations Office. Cathy Pieronek, NDLS '95, will assume the duties of editor, and Kelley Collins, faculty secretary, will assume responsibilities for design and layout.

To submit information for inclusion in the *NDLS Update*, you may e-mail Cathy at [pieronek.1@nd.edu](mailto:pieronek.1@nd.edu), send a fax to (219) 631-4499, or send mail to 102 Law School, Notre Dame, IN 46556.

*Don't forget to keep up on NDLS activities through our web site: [www.law.nd.edu](http://www.law.nd.edu).*